

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 29 2005

Application of: Frigg

Confirmation No.: 6817

Application No.: 10/695,392

Group Art Unit: 3732

Filed: October 29, 2003

Examiner: STOKES, Candice Capri

For: BONE PLATE

Attorney Docket No.: 8932-819 (232200-999215)

TERMINAL DISCLAIMERCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The fee for processing the attached Terminal Disclaimer is believed to be \$130.00. Please charge the required fee to Jones Day Deposit Account No. 50-3013. A copy of this sheet is attached for accounting purposes.

Respectfully submitted,

Date: March 29, 2005

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Thomas P. Scully for
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Reg. No. 45,086
Reg. No. 35,340

Enclosures

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office by facsimile transmission on Tuesday, March 29, 2005 to facsimile telephone number 703-872-9306

By: *Thomas P. Scully*
Thomas P. Scully, Reg. No. 45,086

NYJD 15706-01

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TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

SYNTHES (U.S.A.) is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,669,701 B2 ("the '701 Patent") by virtue of an assignment from Robert Frigg to SYNTHES (U.S.A.) that was recorded on February 25, 2003 at Reel 013792, Frame 0809.

SYNTHES (U.S.A.) is also the assignee of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/695,392) by virtue of the same assignment.

SYNTHES (U.S.A.) hereby disclaims the terminal part of any patent granted on the above-identified patent application that would extend beyond the expiration date of the '701 Patent, and hereby agrees that any patent granted on the above-identified patent application shall be enforceable only for and during such period that said patent is commonly owned with the '701 Patent.

SYNTHES (U.S.A.) further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

SYNTHES (U.S.A.) does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration dates of the full statutory term of the '701 Patent in the event that the '701 Patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or

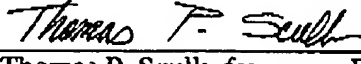
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terminally disclaimed under 37 C.F.R. 1.321(a) or (b), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

This Terminal Disclaimer is submitted on behalf of Petitioner pursuant to 37 C.F.R. 1.321(b)(1)(iv).

Respectfully submitted,

Date: March 29, 2005


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